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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,273	02/06/2006	Willem Peter Van Der Brug	NL030361US	9721

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
ZHAO, DAQUAN	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,273	VAN DER BRUG, WILLEM PETER	
	Examiner	Art Unit	
	DAQUAN ZHAO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/6/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 12-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 12-14 are single means claims. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor, see MPEP 2164.08(a).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8, 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kizu et al (US 6,314,232 B2).

For claim 1, Kizu et al teach A method of data retrieval from a medium by a pick-up unit for non-real-time rendering of data stored on the medium by rendering non-contiguous fragments of data (e.g. figure 17, column 10, lines 10-47, figure 17 shows the fragmented data area), characterized in that the method comprises the steps of: identifying a group of multiple fragments of data for rendering (e.g. figure 17, column 10, lines 10-47 groups A and B); moving the pick-up unit to a location on the medium where the identified group of multiple fragments of data is stored; selecting a fragment of data from the group of multiple fragments of data, the fragment of data being fastest retrievable by the pick-up unit; and retrieving the selected fragment of data for rendering (figure 17, column 10, lines 10-47, “the amount of movement of the head can be minimized and the required average seek time can be reduced” corresponds to “fastest retrievable”).

Claims 11-14 are rejected for the same reasons as discussed in claim 1 above.

For claim 2, Kizu et al teach the data stored on the medium is a stream of audio-visual data (e.g. column 4, lines 14-15, video server must contains audio-visual data).

For claim 3, Kizu et al teach the data stored on the medium is a stream of audio data (e.g. column 4, lines 14-15 and lines 43-53, CD-ROM or optical disk).

For claim 4, Kizu et al teach the medium is a disk-based memory (e.g. column 4, lines 14-15 and lines 43-53, CD-ROM or optical disk).

For claim 5, Kizu et al teach the disk-based memory is an optical disk (e.g. column 4, lines 14-15 and lines 43-53, CD-ROM or optical disk).

For claim 8, Kizu et al teach the group of multiple fragments is defined by a time interval (e.g. A0 and B0, A1 and B1, A2 and B2…etc are considered to be multiple fragment interval).

For claim 10, Kizu et al teach increasing the number of fragments of data in the group as the rendering speed increases (e.g. column 10, lines 34-41, seek time reduced corresponds to speed increased).

For claim 6, Kizu et al teach Super Audio Compact Disc standard (e.g. column 4, lines 45-48, the CD must be using Compact Disc standard).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 7, 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kizu et al (US 6,314,232 B2) as applied to claims 1-6, 8, 10-14 above, and further in view of Hirabayashi et al (US 6,002,834).

For claim 9, Kizu et al fail to teach multiple fragments is defined by a number of intra-coded video frames. Hirabayashi et al teach multiple fragments is defined by a number of intra-coded video frames (e.g. column 4, lines 22-36, and figure 5 shows the sector address of I picture, which is "intra-coded video frames" is not continuous). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hirababashi et al into the teaching of Kizu et al to reduce the seek time when trick play of I frames are requested.

For claim 7, Kizu et al teach Digital Versatile Disc standard (e.g. column 1, lines 25-47, MPEG2 corresponds to the DVD standard).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chung et al (US 6,068,918 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621

/JAMIE JO VENT ATALA/

Examiner, Art Unit 2621